

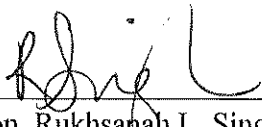
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

1940 ROUTE 9, LLC Plaintiff, v. TOWNSHIP OF TOMS RIVER, NEW JERSEY, Defendant.	Case: 3:18-cv-08008-PGS- LHG RLS CONSENT ORDER REGARDING PRODUCTION OF DOCUMENTS
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THIS MATTER having been brought before the Court by Plaintiff 1940 Route 9 LLC through counsel and the Defendant, Township of Toms River, New Jersey, through counsel, having consented to entry of same and for other good cause shown,

IT IS on this 29th day of August, 2022;

ORDERED that the Stipulation Regarding Production of Documents attached hereto as **Exhibit A** shall be entered in this action.



Hon. Rukhsana L. Singh, U.S.M.J.

EXHIBIT A

STIPULATION REGARDING PRODUCTION OF DOCUMENTS

The parties to the following three actions, *1940 Route 9, LLC v. Township of Toms River, New Jersey*, Civ. No. 3:18-cv-08008, *Bais Brucha Inc. et al. v. Township of Toms River et al.*, Civ. No. 3:21-cv-03239, and *Khal Anshei Tallymawr Inc. v. Township of Toms River; et al.*, Civil No. 3:21-cv-02716, all currently pending in the United States District Court for the District of New Jersey, through their attorneys, having met and conferred, and upon determining that good cause exists for the foregoing, hereby stipulate as follows:

WHEREAS, on April 25, 2018, Plaintiff 1940 Route 9 LLC filed its Complaint in the action captioned *1940 Route 9, LLC v. Township of Toms River, New Jersey*, Civ. No. 3:18-cv-08008, in the United States District Court for the District of New Jersey (the “1940 Litigation”);

WHEREAS, on February 23, 2021, Plaintiffs Bais Brucha Inc. and Rabbi Mordechai Sekula filed their Complaint in the action captioned *Bais Brucha Inc. et al. v. Township of Toms River et al.*, Civ. No. 3:21-cv-03239, in the United States District Court for the District of New Jersey (the “Bais Brucha Litigation”);

WHEREAS, on February 16, 2021, Plaintiff Khal Anshei Tallymawr Inc. filed its Complaint in the action captioned *Khal Anshei Tallymawr Inc. v. Township of Toms River; et al.*, Civil No. 3:21-cv-02716 in the United States District Court for the District of New Jersey (the “Tallymawr Litigation”);

WHEREAS, the undersigned counsel are counsel of record in the 1940 Litigation, the Bais Brucha Litigation and/or the Tallymawr Litigation (collectively the “Toms River Cases”)

and are working in good faith to resolve discovery issues and to promote efficiency and lack of duplication or expense;

WHEREAS, Plaintiffs have propounded requests for production of documents in the 1940 Litigation and Tallymawr Litigation pursuant to the applicable Federal Rules of Civil Procedure;

WHEREAS, by agreement of the Parties, Defendants have collected electronically stored information (“ESI” or “Documents”) in response to document requests served in the 1940 Litigation;

WHEREAS, the Parties intend this Stipulation to comply with, and supplement, all applicable discovery orders entered in each of the Toms River Cases, including but not limited to, all orders concerning ESI or confidentiality;

WHEREAS, the Parties desire to mitigate the cost of document production, avoid unnecessary duplication of effort and cost, and to allow documents produced in any of the Toms River Cases to be used in each of the cases, it is hereby agreed and stipulated as follows:

1. Documents produced by Defendants in any of the Toms River Cases will be deemed to have been produced in all of the Toms River Cases such that once a document is produced in one case, Defendants shall have no obligation to re-produce the Documents in any of the other cases.
2. All Documents produced by Defendants in any of the Toms River Cases may, therefore, be used by Plaintiffs in any and all of the Toms River Cases as though the Documents had been produced in all of the cases without the need for re-production from Defendants or Plaintiff. Plaintiff shall have no obligation to produce these Documents back to

Defendants in response to any Document Request served by Defendants during the course of discovery.

3. The Parties further stipulate that all Documents produced by Defendants in any of the Toms River Cases are authentic and genuine under the applicable State or Federal Rules of Evidence, including, but not limited to, for use in dispositive motions, depositions, evidentiary hearings, expert reports and trial, and that no additional evidentiary foundational basis need be offered in support of the introduction in evidence of such documents. Notwithstanding, Defendants expressly preserve any objection made on grounds other than authenticity and/or foundation and reserve the right to object to a specific document on other grounds, such as relevancy or hearsay.
4. Subsequent to the entry of this Stipulation and Order, if a request for production of documents is served by Plaintiffs pursuant to the applicable Federal or State Rule of Civil Procedure in any of the Toms River Cases and Defendants believe that they have produced responsive documents in any of the Toms River Cases, Defendants may identify the documents by Bates number that have been previously produced that it claims are responsive to the document requests in lieu of re-producing the documents.
5. Should a disagreement arise under this Stipulation with respect to the production or use of documents produced in the Toms River Cases by Defendants or whether the responding party has sufficiently identified such documents or met its discovery obligations under the applicable Federal or State Rules of Civil Procedure, the parties shall meet and confer within seven (7) days of receiving a written objection and shall make a good faith effort to resolve the disagreement prior to seeking relief from the Court.

Dated: July, 29, 2022

Respectfully Submitted,

STORZER & ASSOCIATES, P.C.

/s/ Robin N. Pick

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